

DOUGLAS RAY THOMPSON                      §  
v.                      §        CIVIL ACTION NO. 6:10cv622  
DIRECTOR, TDCJ-CID                      §

The Petitioner Douglas Thompson, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his confinement. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Thompson was convicted of driving while intoxicated on April 17, 2007, and did not take a direct appeal, although he sought state habeas corpus relief on April 5, 2010. After review of the pleadings, the Magistrate Judge ordered him to show cause why his petition should not be dismissed as barred by the statute of limitations. Day v. McDonough, 547 U.S. 198, 210 (2006). Thompson replied to this order by arguing that he should not be barred by limitations because his indictment was illegal, he has a low IQ, he has learned from his mistake, and is now a better person.

On March 21, 2011, the Magistrate Judge issued a Report recommending that the petition be dismissed because of the expiration of the statute of limitations. The Magistrate Judge also recommended that Thompson be denied a certificate of appealability *sua sponte*.

Thompson received a copy of this Report on March 24, 2011, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 10) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is hereby DISMISSED with prejudice as barred by the statute of limitations. It is further

ORDERED that the Petitioner Douglas Thompson is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby DENIED.

**So ORDERED and SIGNED this 28th day of April, 2011.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**